

REMARKS

I. Introduction

Claims 8 to 14 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Objections to the Drawings

As regards the objections to the drawings, in the case of the features mentioned in paragraph 1 of the Office Action, a detailed illustration is not essential for a proper understanding of the claimed subject matter because: 1) the run-up transmitter 3 of Fig. 2 also represents the non-linear filter as per the specification at page 2, lines 33 to 34; 2) the filter 1 of Fig. 2 is the additional filter and also represents a PT1 filter as per the specification at page 3, lines 8 to 9; and 3) the microcontroller 2 of Fig. 2 also represents a microprocessor either of which can include an integrated analog to digital converter as described in the specification at page 2, lines 26 to 29. It is respectfully submitted that no further illustration of those features is required. Accordingly, withdrawal of these objections is respectfully requested.

III. Objections to the Specification

Regarding the objections to the Specification, the Examiner will note that the Specification has been amended herein to address the issues raised in the Office Action. No new matter has been added. In view of the foregoing, withdrawal of these objections is respectfully requested.

IV. Rejection of Claims 8 to 14 Under 35 U.S.C. § 112, Second Paragraph

Claims 8 to 14 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. While Applicant does not necessarily agree with the merits of

the contentions set forth in the Office Action, to facilitate matters, claim 8 has been amended herein without prejudice to recite "~~the~~ signals of the device," thereby obviating the present rejection. Withdrawal of this rejection is therefore respectfully requested.

V. Rejections Under 35 U.S.C. § 103(a)

Regarding the several rejections raised under 35 U.S.C. § 103(a), all of these rejections are based, in part, on U.S. Patent Application Publication No. 2004/0213100, which was published on **October 28, 2004**, from U.S. Patent Application Serial No. 10/792,796, filed on **March 5, 2004**. The present application claims priority to German Patent Application No. 103 61 430.3, which was filed on **December 23, 2003**, i.e., plainly **before** the **October 28, 2004** publication date of U.S. Patent Publication No. 2004/0213100 and the **March 5, 2004** filing date of U.S. Patent Application No. 10/792,796. A claim of priority to German Application No. 103 61 430.3 was made, inter alia, in the Declaration filed on May 15, 2006. A certified translation of German Patent Application No. 103 61 430.3 is submitted herewith. As such, it is respectfully submitted that U.S. Patent Publication No. 2004/0213100 does not constitute prior art against the present application. Withdrawal of all rejections raised under 35 U.S.C. § 103(a) is therefore respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: March 5, 2008

By: 
Clifford A. Ulrich
Reg. No. 42,194
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646